

LAKE COUNTY PLANNING BOARD
April 18, 2018
Continuation of April 11, 2018 Meeting
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, John Fleming, Sigurd Jensen, Rick Cothorn, Frank Mutch, Janet Camel, David Goss, Abigail Feiler, Brendeon Schoenig, Lee Perrin

STAFF PRESENT: Jacob Feistner, Lita Fonda, consultant Joel Nelson
Other staff in attendance in audience included Planners Rob Edington, Clint Evenson, Tiffani Murphy, County Attorney Wally Congdon, County Commissioner Gale Decker

Steve Rosso called the meeting to order at 6:01pm to continue the meeting from April 11.

(Note: See attachments to minutes in the April meeting file at the Planning Dept. for materials shared with the Board.)

LAKE COUNTY GROWTH POLICY REWRITE (6:01 pm)

The Board looked at the directions for tonight's meeting. Members found this process frustrating, and some spoke of their frustrations. For Steve, it seemed like the cart was before the horse, given the repeal meeting on the Density Map & Regulations (DMR) by the Commissioners next week, which could affect the growth policy quite a bit. He recommended they continue working on draft 3, which was written as if the DMR's were repealed, and get it as they would like it in that case, and then go back and have a brief discussion on what would happen if the DMR's were kept. They might discuss the possibility of replacing some of the draft 3 language with language from draft 2 to consider amending and working on the regulations [in that case].

Rick felt that the Commissioners had probably given this a lot of thought, and they could probably guess the direction that the Commissioners were going. Bearing in mind that what the Planning Board did was strictly advisory, the Commissioners could do what they wanted. The public had months of public opportunity and there would be more opportunity for input at the Commissioners' meeting. He wanted to see this adopted, adopted with changes or not adopted. Those were their prerogatives. Steve asked what they did if the DMR's weren't repealed. Rick replied they could address that if it came to that. He was ready for action, not another continuance. He was also concerned as a tax payer on the money being spent on the process.

The Board discussed various options and outlooks. Wally said it was legal to do the suggestion with 'do x if you've repealed' and 'do y if you haven't repealed.' That was fine. They could also fine tune some changes at the public hearing process at the Commissioners. They were fine there.

Joel referred to the draft resolution and attachment A. Working from the March minutes, they could add 36 items. The last meeting was primarily on Appendix C. Steve was concerned the

Board members would be voting on something where they didn't really know what it looked like, since they didn't have feedback on changes that had been discussed. He asked if a list of changes had been put together. Jacob said he went through the minutes and highlighted the public comments and then the Board member comments from March although he hadn't put a list together. He was working on the Feb. Board member comments; those should have already been incorporated into draft 3. Steve asked if David Passieri's comments from the Jan. or Feb. meeting about the text of the early chapters had been put in. Joel didn't recall including those. He combed through the minutes and his notes for specific changes that were suggested rather than overall comments that didn't give direct as to how language should be rewritten.

Janet noted she'd requested a list of changes at one of the meetings earlier in the year. She'd feel more comfortable if she had that list since they hadn't seen a final draft. Steve was concerned the public hadn't seen it either. Joel compared it to a subdivision, where the changes might be read along with a motion. This was bigger and over more time. This was probably the best they could do and still move on.

Jacob thought the option on the table, to come up with two possible routes, was the right option. It was a way to get it done and have some flexibility in the decision, depending on what happened next week. Because the Commissioners could move forward with the repeal, if that was what they chose to do, if they hadn't received a recommendation on the growth policy, there could end up being time between the repeal and the adoption where there was nothing. They were better to keep moving forward and avoid a lapse in coverage. Steve checked if a lapse was possible either way. Jacob explained the Commissioner could adopt a resolution to repeal with an effective date. Without a recommendation, they'd have no idea when to make that effective date. If they had a recommendation, they would know they could move forward with the growth policy adoption. It allowed them to make an effective date, knowing where the growth policy was in its timeline. He gave examples.

Rick asked what happened if the Board voted not to adopt. Jacob replied that the Commissioners just needed a recommendation. It could be to adopt, not adopt or some other action. Frank asked if the Commissioners could implement the growth policy at the same meeting that they changed the DMR's. Jacob outlined that they would need public notice to do a public hearing for the growth policy adoption. They couldn't do that next week. He thought they'd probably make a repeal effective date far enough in the future that both would be effective the same day. If the growth policy continued to hang back, it didn't allow them to coordinate them like that.

Dave thought the areas of chapters 8 and 9 that would be impacted by the DMR's repeal or non-repeal were fairly well identified. He thought appendix C was the crux of what they had left to deal with and that they should make that the best that they could in case the DRM were repealed and it became part of the growth policy. Jacob noted they'd gone through appendix C last time. His understanding was that they needed to discuss Steve's suggested changes in chapter 9.

Steve thought they should touch on appendix C to make sure everyone was on the same page. That was done at the very end of the [last] meeting.

Public comment opened: None offered. Public comment closed.

Steve left open the possibility reopening public comment later, if it seemed appropriate.

Appendix C:

Steve and ‘uses’, pg. C-5 and elsewhere (mentioned last time): Jacob thought changing ‘use’ to ‘density’ or ‘development density’ was appropriate in places. He liked ‘development density’ to be consistent with the beginning of the paragraph.

Steve, pg. C-5, end of first paragraph: Change ‘use’ to ‘development density’.

Pg. C-5, VI.2: Change ‘uses’ to ‘development densities’.

Pg. C-5, VI.6: The word ‘uses’ was okay. It seemed like it was talking about whether it was residential, agricultural, commercial or industrial rather than density. Jacob said it talked about uses of the property, not the development density of the property.

Joel said the big premise in the DMR’s was that it didn’t deal with land use. These [in appendix A] clearly were using the flexibility that was afforded by repealing the DMR’s as zoning.

Looking at the definitions, it spoke of use of property much more freely than the current DMR’s did. Jacob highlighted those were definitions. One of the challenges of the DMR’s was separating density from these. One intent of appendix C was to try to bring some clarity to that by providing definitions for guest houses, home occupations and other things. Steve thought ‘land use’ or ‘use’ should have a definition. From there, they could decide where the word should be used and where another word should be used in some instances. Janet suggested a definition for ‘type of land use’. Jacob thought one of the things missing from the DMR’s was the fact that it didn’t discuss uses, and it needed to. Steve said that it used the word in places where the word ‘density’ would be better used. Steve and Jacob agreed this new document was an appropriate place to make that adjustment. This was discussed further.

Steve, Joel, Jacob, Janet, pg. C-5, VI.3: Change ‘uses’ to ‘properties’.

Frank didn’t think exact definitions were as important in an advisory document. The Planning people had flexibility in implementing and enforcing it. He didn’t see it as a regulatory, legal document. Steve was concerned that might be right. A statement in chapter 8 said the net effect of moving the regulations to advisory status would be negligible. If you said that in the text, you needed to have the same degree of proper word use and so forth. The use of ‘use’ and ‘density’ in the original document was one of the things that needed to be amended.

Janet:

Pg. C-5, 6: Add ‘air pollution’ to the list of traffic, noise, odors, etc.

Joel asked about the list of changes. Steve said this was the third meeting. His understanding was they hadn’t successfully compiled a list from the other meetings. Joel said he and Jacob were prepared to work with the March minutes, which pertained to draft 3. Steve thought it would be wise to make a list from tonight’s meeting right now, if they didn’t want to wait for the minutes from tonight’s meeting. Whoever made the motion would have to make a statement about the changes they’d discussed over the last 3 meetings. Joel said the other way was to deal with them on a page-by-page basis, where Board members would by consensus agree to each change as they went along or else interrupt if not in agreement. Rick liked the page-by-page method. Steve reiterated that a Board member should speak up if objecting to a change that was

suggested. When the Board agreed that a page was done, that would mean that they agreed to the changes on the page.

To simplify, Dave suggested that staff give the changes made for a given page, see if the Board had additional changes to that page, then move on to the next page. They had 10 pages in appendix C. It shouldn't take that long.

Lita, Jacob and Joel listed changes:

Pg. C-1: 'Regulations' changed to 'Text' in the heading.

Pg. C-1, II: Leave in the sentence including the phrase 'in no way inhibit' from the original DMR, with 'regulations' changed to 'guidelines'. Janet voiced a concern. She suggested replacing 'the complete use' with 'the type of land use'. This advisory text could inhibit part of the use. They were still taking this into consideration. She thought it should have been corrected in the DMR's document. She also suggested using 'text' instead of 'guidelines', to be consistent. Jacob concurred. (Later in the meeting during discussion of pg. C-6, VII wording, it was suggested this change here, on C-1, to 'recommendations' for consistency.) So: 'These recommendations in no way inhibit the type of land use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.'

Pg. C-2, V.1: Remove '/or'. It should just be 'and'.

Pg. C-2, V.1, Dave: Between 'desires of the landowner' and 'and', add ',the impact on neighboring properties,' to be consistent with the other changes just made. The impact on neighboring properties was a consideration, and the crux for a lot of guidelines or regulations.

Pg. C-2, IV, Section title, Janet: Change 'Boundaries and Regulations' to 'Density Map and Text'. Jacob noted this section was an explanation of how they arrived at the DMR's.

Pg. C-3, Lita and Jacob: A comment was received that the text was too subjective. Dave and Janet suggested referencing section 6, which established the standards, so add ', in accordance with section 6 below.'

Pg. C-3, #4, next-to-last line, Joel and Lita: Add 'while allowing appropriate setbacks' after 'property edge'.

Pg. C-3, #5, Joel: Before 'State or local' in next-to-last line, add 'Tribal,'.

Pg. C-3, 5.b, Joel: A concern with enforcement was voiced. Steve and Janet: Add ', as approved by the appropriate jurisdiction.'

Pg. C-4: No suggested changes to the draft appendix.

Pg. C-5, Lita: Most changes covered previously today, see above notes.

Pg. C-5, Lita and Janet: Add 'in addition to any adopted regulations' to the end of the page's last sentence.

Pg. C-5, Dave: Delete 'advisory in the first sentence of the last paragraph on the page.

Pg. C-5, #6 Joel: Replace 'involve' with 'facilitate or promote'.

Pg. C-6, VII, Dave and others: Replace 'regulations' with 'recommendations'. Jacob liked 'recommendations' for consistency. Steve noted that 'guideline' was used on pg. C-1. Jacob said he'd like to keep it to 'recommendation' if possible.

Dave asked about the reference about appeals or comments. Who could appeal and to what group? Jacob replied they left it open. It could be used in different review processes and would go to whichever [group] was appropriate. Dave asked if a neighboring property owner who felt damaged by the decision had the right to appeal. Jacob thought it depended on which review process it was being used with. It would be either buildings for lease or rent or subdivision review and would be whatever state law allowed for. Dave said in the interest of uniformity, like they talked about earlier, they brought the impact on neighboring properties into the picture. If someone felt the decision staff had made unfairly impacted their neighboring property, would they have the right to appeal? He thought that was the way it should be. Jacob said the intent was to leave it open. You would have to pay a fee. Joel agreed it was open.

Steve asked if there were issues on these appeals of someone having standing by commenting during the regular period. Wally said not generally. Some of the appeals went to district court instead of a governing body. Those were based on the record and if you didn't put it in the record, then you couldn't get into district court. That was the only limitation there was. Jacob said the idea on the fee was that when the staff made a decision, they didn't want every decision appealed. The fee was to cover the cost of review but also to discourage every single person from appealing a decision.

Pg. C-7, X. Definitions, Creation of Parcels: Jacob confirmed for Dave that relocation of boundaries got review. Janet asked why a discussion of lots from Trust to fee status was mentioned. Jacob said the wording had been there before. Joel gave his interpretation. He gave the example if a 20-acre parcel in 20-acre density in 2005 when the DMR were passed that then went through a division under Tribal status into four 5-acre lots in 2007. It then transferred to fee. When he was with the Planning Dept., he would have said there was one unit for the four lots. What made it hard was the County didn't always have access to what happened to the Tribal and the individual trust properties. Janet asked if after lots were created and then went into fee status, would he tell them they couldn't have that number of lots. Joel said it would be the number of units. If it was a 20-acre parcel that became 20-acre density, there was 1 unit associated with that property under the DMR's. The Tribal division and the 4 lots didn't magically come up with 4 units.

Joel said the certificate of survey usually went on record with an exemption from County review. The County only recorded it and gave it a survey number. In his scenario with a division of land that happened after the DMR's went into effect in 2005 to a 20-acre parcel divided into 4 in 20-acre density, four units would not comply. The division of land was not what the Planning Dept. objected to, it was additional units beyond the one that it was granted, so the septic permit was a problem because they wanted another unit. Janet recalled the situation his example was based on and this now made sense. Joel pointed out that with that scenario, what brought it out of compliance with the DMR's was not the division but the additional unit. This happened in circumstances other than Tribal as well. Jacob said this was the way it had been since 2005. Joel thought it had been interpreted a few different ways. Janet agreed with Joel's interpretation.

Pg. C-9, X. Definitions, Unit: Steve wanted to allow someone to put a bathroom in a shop. Lita read the recommended addition from the previous meeting. This was discussed. He was trying

to make a distinction so people weren't building 3 or 4 houses. Jacob explained he left the definition as it was because section 6 gave them the ability to deviate from it if a shop bathroom met those 7 standards. His concern with changing it to say a unit had a bathroom and a kitchen was that they got a lot of proposals from people who wanted to put cabins on their properties. Those could easily turn into rentals if they had a bathroom and a shower. Joel noted that the proposed criteria would eliminate the possibility of having a guest house with a kitchen. Jacob thought another option would be to add an example. Frank suggested 'A garage or shop with a bathroom is not considered an additional unit.' Steve said this should be added to the top part rather than as an example. Lee asked how that would work with how they figured out the septic system. Steve thought that was okay since it was tied to the number of bedrooms. Jacob thought it was a good addition. Jacob and Janet put 'placement' in the main definition, after 'system' and before the last sentence. Steve and Jacob thought this would help with examples of office/warehouse situations and home occupations.

Pg. C-9, X. Definitions, Use, Wally and Janet: Add 'Use' definition: 'The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained' from the source book, The Latest Illustrated Book of Development Definitions, under 'use' on pg. 425. Add examples to the end of the definition: 'such as residential, commercial, industrial or other uses.'

Chapter 9, Implementation:

Steve pointed to the board packet, which included pages where he proposed specific public comments that came from public comment that was specific to implementation actions and so forth. Steve asked if Joel and Jacob had the changes from March.

Pg. 74, #60, Rick: Deleted.

Joel asked if the Board was incorporating every change alluded to at the meeting. Jacob noted they were contested. Steve thought so. Lita mentioned the minutes weren't approved, if there were corrections.

Pg. 71, #26, Steve: To address the public comment concern of this being more specific, add new actions # 27 through #29 (and renumber the following implementation actions) per pg. 71 included in this meeting's 'memorandum' packet.

- New #28, Janet: Add 'street sanding materials dump sites' to the list there, since those could be laden with salts.
- New #27, Jacob: This might not be realistic right now although important. Change from 'short-term' to 'ongoing'. Replace 'Develop and implement' to 'Work towards the development and implementation of'.
- New #28, Frank and Steve: Add 'considering the level of treatment' to the end.
- New #29: Jacob: Replace 'state and tribal agencies' with 'other governments'.
Joel, John F, Jacob: Replace 'secure' with 'facilitate'.
Janet: Replace 'buffers' with 'areas'.

Pg. 72 (memorandum packet):

- New #35, Steve: Add wording per pg. 72 included in this meeting's 'memorandum' packet.
- Objective 1.2.2, Janet and Lee: Include '(AIS)' after 'aquatic invasive species' so people will know what the abbreviation means where it's used in the implementation actions.

Pg. 88 (memorandum packet), Steve: Add wording and changes per pg. 88 included in this meeting's 'memorandum' packet.

Old #156 (new #159), Janet: Change 'update to' to 'review of' and 'updating' to 'reviewing'. Add a comma after 'growth policy'.

Objective 5.4.1, Frank: Change 'Update' to 'Review'. Add 'and update as needed' to the end. New #161:

- Janet, Jacob: Remove 'shallow'.
- Janet, Jacob, Frank: Move 'areas' to follow 'aquifers'. Steve mentioned the public comment was regarding shallow aquifers. Janet noted Seth Makepeace had mapped aquifers.
- Jacob: Change from 'short-term' to 'ongoing'.
- Janet commented that for 2/3 of the County (the portion on the reservation), the Tribes had done some mapping looking at vulnerable soils. That went into the choice of some lower densities on the Density map.

New #162:

- Janet: Add 'in and near communities' to the end.
- Frank: Replace 'relevant' with 'appropriate'.
- Janet: Change 'existing development' to 'existing communities' in the 'Signs of Success' column. Frank asked if there was a definition for 'community'. Steve, Frank and Jacob suggested using 'existing developed areas' instead. Janet preferred the other. Jacob looked for consistency. The change to 'communities' stood.

New # 166:

- Janet: Add 'BMP's' (Best Management Practices) after 'incorporate'. Joel pointed out this created a loop. Scratch the addition and instead move 'criteria' from after 'regulations' to after 'incorporate'.
- Frank and others: Replaces 'services' with 'processes or functions'.

Newer # 164 (located on 4/11/18 meeting handouts, with the items following renumbered from new numbers to newer numbers): Steve had added this change at Wally's suggestion. Lee checked this meant if someone financed extending a sewer main to cover their property, they deserved a rebate. Steve clarified that someone who developed down the road would pay to hook up to the sewer main and that money would go back to the person who invested it. Janet asked if you needed to do that within a certain timeframe, which was the case with Mission Valley Power. Steve said the idea was to come up with a rebate program. He wasn't sure who would do that. Wally said these were usually 10 years or 20 years. Steve had a copy of the one that the City of Missoula used, and briefly described their process. Wally described that this could be done with sewer, water, service for stormwater control or stormwater drainage and those sorts of things. He noted it was also people who extended on further. It worked very well. Frank gave an example with power.

- Steve: Change 'sewer districts' to 'service districts' in both places. Change 'sanitary sewer main' to 'service'. He thought the service districts had to have a plan done. The idea was for the County to encourage service districts to do these rebate programs. Jacob mentioned roads. Steve thought the County already had a program to do that, which the County itself handled. Jacob said the subdivision regulations had latecomer fees.

Steve asked if there were comments on the appendixes. Jacob said comments on Appendix B arose at the March meeting. He referred to pg. 16 of the March minutes.

- Appendix B, pg. B-5, Map 11 legend, Janet: Add 'State' in with 'Tribal/Federal/Exempt/Not-Assessed.'

Joel asked if the Board wanted to go through the March minutes. He could find some changes for the Board to clarify. Steve said it would be also helpful if Joel could identify suggestions that would not be put in.

Steve thought if they were to have an option in the resolution to cover the situation if the DMR's were not repealed, they would need to make changes in this third draft, such as eliminating Appendix C and changing text in Chapter 8. Jacob suggested they could go back to changes made in draft 2. The group discussed having a motion with options and what those options should be. Janet was concerned that there wasn't a draft with the changes or a list of changes that the public could review. Jacob said the Board would never be making a recommendation on a final draft. Only the Commissioners would have that. Joel said the Board had been working to create this list [of changes], which was part of the record and needed to be part of the motion. Rick thought the public input had been sufficient, which he outlined. These subjects were discussed further. Steve felt it was like signing a contract, where it seemed off to sign without the changes made. Rick said he was inclined to trust these staff to make the changes. Steve thought the concern was they'd suggested a whole lot of changes and whether they were changed accurately. Janet was concerned with approving changes the public hadn't seen. Steve summarized if they could approve something, it would result in a final draft that would go to the public, who would have a chance to review it and comment on it. Rick said the Commissioners could respond to the public input.

Joel described that the Board president and vice-president would sign a resolution that included the list of changes. They wouldn't sign it tonight. Steve asked if they needed to sign the resolution on the DMR's. Jacob and Rick both had copies that could be signed.

Steve repeated Jacob's suggestion that if the DMR's were not repealed, they could go back to the second draft for the Density discussion in Chapter 8 and changes in 5.4.1. Frank suggested wording that accepted the 3rd draft with documented changes if the DMR's were repealed and if the DMR's were retained, the growth policy would be revised accordingly. Rick thought it met the Board's needs. Joel said 'as needed' might be determined by the Commissioners. That might be specified. With that wording, Steve thought they'd need another meeting on the growth policy if the DMR's were not repealed. Joel asked if the Board didn't want to see it again regardless. Rick said if needed, they needed to be able to see it. At the same time, they had the 3 options to adopt, adopt with changes or not adopt. Frank's wording gave them a string on that, depending on the Commissioners' actions. Steve checked that on the lines for changes with the resolution they could say with the changes approved during the public meetings. Jacob said they didn't sign until the list was made but they could pass the resolution tonight. Joel emphasized they needed to be clear whether or not they expected the list to be written.

Joel returned to going through the minutes with the Board for clarifications on items where he or Jacob needed more clarity.

Joel started with pg. 7 of the March draft minutes and the first item under 'Draft through chapter 7' to give an example of how he interpreted the items in the minutes.

Clarifications from pgs. 8 to 12 of March draft minutes:

Steve, pg. 2 bottom, in the Commissioner letter and removing statement: Joel said as is, it was a change that was talked about but he wouldn't make the change. Steve expected that the Commissioners would have to make that change. Janet asked if concurrence from the Board was needed that the statement be removed. Steve didn't think so. He thought it was separate.

'Frank, second pg. 2', regarding 'set': Change to 'settled' per Joel and Steve.

'Frank, second pg. 2, above the last paragraph in the left column': Joel asked if the suggested sentences in that paragraph got added, and if 'early' should be used. Steve said 'early' would work. The suggested sentence would be good to have. The group agreed after brief discussion.

'Frank, pg. 33': Joel asked about the consensus for 'Cultural' versus 'Tribal Cultural' Resources. The majority of speakers directed to leave it general (no change).

'Steve, pg. 55 regarding no solid evidence': Joel asked if the sentence in the draft about no solid evidence should be struck. Board consensus was to scratch it.

'Janet, pg. 55, 3rd paragraph': Joel asked if something was to be added. Discussion ensued whether to strike or add. Steve and Janet gave wording to add 'on the 2016 Resolution of Intent to Repeal' with no objection from the Board.

Joel checked with the Board that silence was approval. Steve thought so and no one spoke otherwise. Joel thought he had sufficient direction.

Resolution comments:

Steve observed an 'e' was missing and described the location in the third from the last 'Whereas'.

For the motion, Frank:

- Add a condition #4 in attachment A to include all of the changes made and agreed to in all meetings.
- Add a condition #5 that if the DMR's were retained, this growth policy must be revised accordingly. Steve thought there could be a paragraph under attachment A that had that. The numbered items were changes to draft 3.

Wording prior to motion, Steve: Add some wording to say this pertained to draft 3 which assumed the DMR's were repealed, and if they were retained, the resolution included that the growth policy discussion needed to be reopened to fix what needed to be fixed. Joel thought that

would be part of the 'Now therefore, be it resolved' section. Jacob was good with that. It could also be in the last 'Whereas' since those kind of said the same thing. He thought they should be clear that the Planning Board would revisit the growth policy. Frank suggested 'revise' rather than 'revisit'. Jacob suggested 'If the DMR's are retained, additional review is required by the Lake County Planning Board to revise as necessary.' Joel said the whereas's would also need to include reference to this continued public hearing of April 18. Janet suggested an addition to the last 'whereas' where it said 'continued public hearing on April 11th', so just add the additional date of April 18th. Joel said that would be in the other whereas's as well. He described how it would fit in the whereas with the March 14 date and how it would fit in the last whereas. Janet thought it was only needed in the last whereas. Steve confirmed with Jacob that the resolution document would be fixed and presented to he and Rick (chair and vice-chair) and they could not sign it if it needed more changes.

Motion made by Frank Mutch, and seconded by Rick Cothorn, to recommend that this growth policy draft be passed, approved and adopted with the changes that have been made and will be made [by the direction of the Planning Board], including the wording in that last 'Whereas'. Jacob read that wording per Frank's request: If the DMR's are retained, additional review is required by the Lake County Planning Board to revise as necessary. Steve restated the motion to recommend adoption of the 2018 growth policy draft 3, including the changes the Board made, with the stipulation it got revisited if the DMR's are retained. He checked if this was corrected, and received affirmations, and checked for discussion.

Dave said that he was torn. He leaned towards voting against it for several reasons. One was it was backwards. The DMR's were law. The motion said if they did something in the future, they would do this, and if not, they'd come back and write it the way it should be written because of the law as it was now. He thought it should be the other way around where they write a growth policy based on the laws that exist now. If those got repealed, they would make the necessary revisions. He could work around that. It was similar to when legislative bodies had to pass enabling legislation. He voted against the subdivision last week because there were too many unanswered questions and was having a tough time convincing himself to vote for something as important as a growth policy where major issues were unclear. He kept returning to a statement that was a guiding principle for Dean Arthur Stone, the first dean of the School of Journalism at the University of Montana. He thought it was applicable here: Get it first but first get it right. Dave was concerned that in their rush to meet schedules, they were looking the other way on some things.

Rick thought that was good advice for a reporter who witnessed a static event that was no longer in progress. The Board had gone down this path. They had an escape route where they could come back to this. He respected Dave's position but his energy for this was dwindling. Dave said the motion already said they would come back to it. Steve added the motion said they'd come back to it if the DMR's were not repealed. They were passing this thing with faith that the changes they just included in the motion would get made. He didn't know that any of them had a full picture of the changes and the picture each member had of the changes was probably different. Rick said that staff had been diligent and forthright. Steve said they were putting faith that the expected changes would be made as expected. Some people were comfortable voting on that faith and some might not be. Frank thought the practical reality that the prior changes made

were reflected in version 3. They approved version 3 as written with some additional changes. Especially on the Board of Adjustment, they made a decision to approve or disapprove on what was before the Board based on the changes they made in that meeting. The difference was in the amount of changes. Steve added also the period of time was greater. There were changes made two months ago that they hadn't seen.

Janet asked if the Commissioners could leave the date open-ended if they repealed the DRM's if the Board needed to meet one last time after there was a final draft they could double-check and feel more comfortable voting on. Steve said the final draft accepted by the Commissioners might not be the draft this Board approved. The Commissioners might make changes. Janet didn't feel comfortable voting on a draft that had so many corrections yet to be made. Jacob said a fourth draft would not be coming back to this Board. Draft 3 was supposed to be the final draft. It had been out for over 2 months. Various people reiterated various points.

John said what he came back to was that they were an advisory board. The Commissioners were responsible for the final decision. They made the best advice they could with the resources they had. He thought he would support the motion. Lee said they could suggest all the changes they wanted. Whether the Commissioners chose to adopt them or not was their right to do so. Steve said if he voted to approve this, it was based on his understanding of what it was. The reality was if the changes he expected got made, there was a good possibility the Commissioners wouldn't accept all of those and the final version wouldn't be the one he approved. Frank thought a lot of this got down to trust. They were worried about human error. Dave agreed the Commissioners could always change it. He had to justify the vote to himself. He just didn't think it was a good planning approach and he couldn't justify to himself to support this right now. Janet said she found certain statements in the documents very offensive. She expressed those concerns in the past, which were not heeded. Because of that, she felt very uncomfortable voting in favor of this document.

Motion carried, 6 in favor (John Fleming, Lee Perrin, Sigurd Jensen, Rick Cothorn, Frank Mutch, Brendeon Schoenig) and 4 opposed (Steve Rosso, Janet Camel, David Goss, Abigail Feiler).

Steve checked about the signing of the resolutions by Rick and him. Jacob confirmed the [growth policy] resolution would be ready for them at the next meeting. It would be good if they could sign the one regarding the DMR recommendation from the last meeting tonight.

Gale reminded that the DMR repeal decision meeting was at 2pm on Tuesday. They would not take public comment at that meeting. He thanked everyone for their work on this. He knew it had been time consuming and frustrating. It was appreciated. Steve said he thought they had a pretty good document but wasn't sure. If he'd had a chance to look at a 4th draft, he would very likely have voted for this document, especially after Tuesday assuming the DMR's got repealed. He couldn't do that tonight. He thanked everyone for their efforts. It had been really difficult, especially with the interruption with the DMR decisions.

MINUTES (9:20 pm)

Pg. 4, in the next to last paragraph: Remove 'on' after 'served' per Steve. Add 'Business' between 'Indian' and 'Alliance' per Janet.

Steve: On pg. 7, change 'didn't this' to 'didn't think' in the 4th line from the end of the third paragraph. On pg. 11, fix the formatting of the top two lines. On pg. 15, change SKT Dam in the second paragraph to SKQ Dam.

Janet, pg. 15, next to last paragraph: In the 6th line, change 'standards if they' to 'standards and they'. Remove 'the' from the end of the 7th line (preceding Flathead). In the 8th and 9th lines, change from '[the Tribes] had a' to '[the BIA and Tribes] completed the' and at the end of that sentence, add 'etcetera' after 'road widths'. Add 'if necessary' after 'amended' in the fourth line from the end. Steve checked this reflected what was actually said and Janet confirmed.

Motion by Rick Cothorn, and seconded by Sigurd Jensen, to approve the March 14, 2018 meeting minutes as amended. Motion carried, 8 in favor (Steve Rosso, Lee Perrin, John Fleming, Sigurd Jensen, Rick Cothorn, Frank Mutch, Janet Camel, Abigail Feiler) and two abstentions (Dave Goss, Brendeon Schoenig).

OTHER BUSINESS

None.

Steve Rosso, chair, adjourned the meeting at 9:26 pm.